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Attorney Docket No. 020431.0750

In re Application of: **NOEL TENORIO**Serial No. **09/750,617**Filed: **20 DECEMBER 2000**For: **SYSTEM AND METHOD FOR
NEGOTIATING ACCORDING TO
IMPROVED MATCHING CRITERIA**§
§ Examiner: **LALITA M. HAMILTON**
§
§
§
§ Art Unit: **3624**
§
§
§ Confirmation No.: **6553**
§**REQUEST FOR RECONSIDERATION
OF PRE-APPEAL BRIEF REQUEST**

VIA FACSIMILE

Central Fax No. (571)273-8300

Commissioner for Patents


P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed 1 February 2006 ("Notice").

The Notice states that the Request is improper and a conference will not be held. Reconsideration is respectfully requested for reasons stated below.

Certificate of Transmission Under 37 C.F.R. § 1.8(a)
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (571)273-8300) on <u>3 February 2006</u> .
Typed or Printed name of person signing this certificate: <u>Brian E. Harris</u>
Signature: 

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The Notice states the following as the reason for not holding a conference: "Exceeds five (5) pages."

The guidelines for requesting a pre-appeal brief conference are set for in OG Notice 1296 OG 67. The only five-page limitation mentioned therein is the requirement that "[i]n five (5) or less total pages, provide a succinct, concise and focused set of arguments for which the review is being requested." (Emphasis added).

This statement clearly indicates that it is the set of arguments, not the entire Request, that must be five pages or less.

The Pre-Appeal Brief Request for Review ("Request") filed in the present Application included only five (5) pages of arguments.

As stated on the first page of the Request:

The review is requested for the reasons stated in the following Arguments, which begin on page 3 and end on page 7 of this paper, thereby satisfying the requirement that the Arguments be limited to five or less total pages.

Thus, it is respectfully submitted that the Request fully complies with the requirements set forth in the OG Notice.

It is true that the Request, as a whole, included more than five pages. However, as pointed out above, the five-page limitation clearly applies only to the arguments, not to the entire Request. The Notice appear to interpret the OG Notice to mean that the Request is subject to the five-page limitation. However, no fair reading of the OG Notice can reasonably lead to this interpretation. It is clear that the purpose of the five-page limitation is to avoid the filing of "a long detailed explanation" as stated in the OG Notice. It seems completely unreasonable to deny the Request based on an interpretation of the OG Notice that strays from the clear intention of the five-page limit.


Therefore, it is respectfully submitted that the reason stated for denying the Request is improper.

It is respectfully requested that the decision to deny the Request be reconsidered and that the conference be held.

No fees are presently due or required by the filing of this Response. Nevertheless, the undersigned hereby authorizes the Director to charge any fees that may be required, or credit any overpayments, to **Deposit Account No. 500777**.

Respectfully submitted,

3 Feb 2006
Date


James E. Walton, Registration No. 47,245
Brian E. Harris, Registration No. 48,383
Daren C. Davis, Registration No. 38,425
Michael Alford, Registration No. 48,707
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (voice)
(817) 447-9954 (facsimile)
jim@waltonpllc.com (e-mail)

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